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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,402

12/30/2003

Josef A. Muff

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04/19/2006

BUTZEL LONG  
DOCKETING DEPARTMENT  
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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,402

Applicant(s)

MUFF ET AL.

Examiner

Stefan Krueer

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>17 May 2004</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on 2 July 2002. It is noted, however, that applicant has not filed a certified copy of the 01810640.1 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 3, 5- 6 and 8 - 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thielow et al (US 6,381,917) in view of Yoshikatsu et al (US 5,165,505).

**Re: Claims 1, 5 and 8**, Thielow et al disclose a shaft door (1, Fig. 1) with a closing edge (14), wherein the door panel includes a front wall (2) and a back wall (3), which walls are spaced apart and connected together by thermally releasable means (Col. 1, Line 43); however, Thielow et al do not disclose a profile member fastened to the back wall of the door panel.

Yoshikatsu et al teach a pair of door panels (Fig. 1) each having a profile member (28, Fig. 2 and 3) thermally non-detachably fastened (Col. 5, Lines 18 and 36, and Col. 7, Line 18) to the back wall and forming a rearward portion of the closing edge of the door panel as well as a portion of the front wall (region of 29, 21, 24A and 30, Fig. 3) forming a forward portion of the closing edge of the door panel.

It would have been obvious to one of ordinary skill in the art to modify the invention of Thielow et al with the teaching of Yoshikatsu et al to afford the means of channeling smoke for its capture and ventilation, for the safety of occupants in a shaft.

**Re: Claim 2**, Yoshikatsu et al teach said profile member configured to form a rearward door gap with an adjacent closing edge of an opposite door panel (Fig. 3).

**Re: Claim 3**, Yoshikatsu et al teach a forward door gap and a rearward door gap having lateral positions different with respect to one another (Fig. 3).

**Re: Claim 6**, Yoshikatsu et al teach a forward door gap and a rearward door gap having positions different with respect to one another (Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify the invention of Thielow et al with the teaching of Yoshikatsu et al, as reviewed in Claims 2, 3 and 6, in keeping with a means of channeling smoke for its capture and ventilation, for the purpose of occupant safety and isolating environments to facilitate recovery.

**Claims 4 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thielow et al in view of Yoshikatsu et al, as applied to Claims 3 and 6 respectively, and in further view of Pelvilain (US 5,293,962).

The invention of Thielow et al lacks the door gaps of the instant invention and Yoshikatsu et al teach a rearward and forward door gap, yet the door gaps extend parallel to one another. Furthermore, Yoshikatsu et al are silent regarding a door gap crossing an axis of symmetry of the respective door panels.

Pelvilain, however, teaches his door gaps (Fig. 2) of oblique orientation to one another and crossing the axis of symmetry of his door panels (29 and 24), to derive the feature of his "...second hollow space 32...", which "...serves as a chimney when the doors are closed." (Col. 3, Line 8).

It would have been obvious to modify the invention of Thielow et al with the teaching of Yoshikatsu et al, as furthered by Pelvilain, to further the beneficial venting of smoke for the safety of occupants in the shaft.

**With respect to Claim 9**, though neither of the inventions of the aforementioned claims disclose a stationary door post for engagement of a single door panel, it would have been obvious to one of ordinary skill in the art to provide said post of design to provide the desired ventilation effects of the teaching of Yoshikatsu et al teach as furthered by Pelvilain, in as much as the mating portions of the engaging members are operationally identical whether one or both of the engaging are slidably movable.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F, 09:00 - 18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

17 Apr 2006



KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
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